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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

8998

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on February 22, 2006

Signature Karen A. Church

Typed or printed name Karen A. Church

Application Number

09/478,777

Filed

1/6/2000

First Named Inventor

Walter

Art Unit

3629

Examiner

Borissov, I.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 34870

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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February 22, 2006

Date

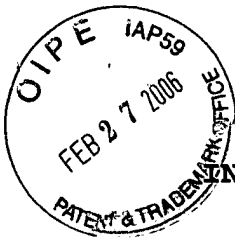
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*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 8998

Application of:

Joanne Walter

Art Unit: 3629

Serial No.: 09/478,777

Examiner: I. Borissov

Filed: January 6, 2000

For: **APPARATUS AND METHOD FOR OPERATING A SELF-SERVICE
CHECKOUT TERMINAL HAVING A VOICE GENERATING DEVICE
ASSOCIATED THEREWITH**

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CERTIFICATE OF MAILING

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Karen A. Church
Karen Church

PRE-APPEAL BRIEF REQUEST FOR REVIEW

This is a Pre-Appeal Brief Request for Review following a final action dated October 5, 2005. Applicant asks the Office to reconsider this application.

Remarks/Arguments

Claims 1, 3-9, 11-17, 19, 20, and 27-37 are pending in the application.

In the October 5, 2005 final action the Examiner objected to recitation of a "light" in claims 1, 3-9, 11-17, 19, 20, and 27-37.

The Examiner further rejected claims 1, 3-9, 11-17, 19, 20, and 27-37 under 35 U.S.C. § 103(a) as being unpatentable over Schneider (US 5,083,638) in view of Sato (US 5,949,854) and further in view of Masson (US 4,908,850) and further in view of Humble (US 4,676,343).

The objection to recitation of a "light"

In the October 5, 2005 final action the Examiner stated that a "light" and "activating a light" are not supported by the Specification. Further the Examiner stated that "there is no indication that said status light device 11 is activated *by the retail terminal.*"

The Examiner has conceded that the Specification discloses a "status light device 11". Status light device 11 is illustrated in Fig. 1. Applicant submits that the term "device" in "status light device 11" does not change that fact that status light device 11 includes a *light*. Therefore, the Examiner is incorrect in stating that a light is not disclosed.

Further, multiple lights are in fact disclosed. Status light device 11 may display a first colored *light* in order to notify store personnel that intervention is needed prior to the end of a transaction. In addition, the status light device 11 may display a second colored *light* in order to notify store personnel that intervention is needed immediately. (See Page 9, paragraph 1).

Despite the fact that relevant portions of the specification are written in past tense, the context is

clear to one skilled in the art that checkout terminal 10 controls operation of status light device 11 in the same way that terminal 10 controls generation of voice instructions. Further, a careful reading of the Specification reveals passages that confirm that terminal 10 controls status light device 11. Processing unit 26 monitors outputs from terminal components in order to determine if a customer has followed instructions. (See page 20, paragraph 1). Original claims 10 and 11, which are part of the Specification, make clear that terminal 10 generates improper-response and personnel-need control signals. Status light device 11 may be operated to summon a customer service manager *in response to a personnel-need control signal*. (See page 24, paragraph 2). Therefore, it is clear that checkout terminal 10 controls status light device 11.

The § 103(a) Rejection

In the October 5, 2005 final action, the Examiner conceded that Schneider (US 5,083,638) does not teach that the voice instructions are of different types or inflections, that subsequent voice instructions are generated after a predetermined time lapse, or that a light is used to summon help, as recited in the independent claims.

The Examiner relies on the teachings of Sato (US 5,949,854) to satisfy the elements relating to different voice types.

There is no teaching or suggestion in either reference to combine the teachings of Sato with those of Schneider to vary a voice type or inflection following an improper action of a customer. The Examiner stated that the motivation comes from the attractiveness of the system to users that would result from conforming voice type to the age and sex of the user. However, Applicant's reason for changing voice type or inflection is directed to alerting a customer to perform a proper action following an improper action, not to making the checkout terminal more attractive to use. Therefore, the Examiner's stated motivation fails.

The Examiner relies on the teachings of Masson (US 4,908,850) to satisfy the elements relating to prompting a user following a predetermined time period.

There is no teaching or suggestion in the references to combine the teachings of Masson with those of Sato and Schneider to time a time period following a first voice instruction related to an improper customer action and to issue a second voice instruction different from the first voice instruction following expiration of the time period, but before generation of a proper-response control signal. The Examiner stated that the motivation comes from the helpfulness of the system to inexperienced users. However, Applicant's reason for timing a time period is to give the customer another chance to complete a proper action before alerting security. Therefore, the Examiner's stated motivation fails.

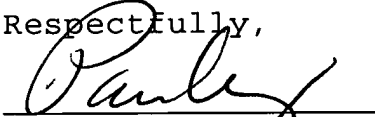
The Examiner relies on the teachings of Humble (US 4,676,343) to satisfy the elements relating to use of a light to summon help.

There is no teaching or suggestion in the references to combine the teachings of Humble with those of Masson, Sato, and Schneider or to activate a light for summoning help following generation of an improper-response or personnel-needed control signal *by the retail terminal*. In Humble, the user initiates activation of the lamp by touching location 47 on screen 11.

Conclusions

In view of the foregoing, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,



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